

EXHIBIT G

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA
3 EASTERN DIVISION
4 - - -

5 HONORABLE STEPHEN G. LARSON, JUDGE PRESIDING
6 - - -

7 DAVID GROBER AND)
8 VOICE INTERNATIONAL, INC., A)
9 CALIFORNIA CORPORATION,)

10 PLAINTIFFS,)

11 VS.)

12 MAKO PRODUCTS, INC., AIR SEA LAND)
13 PRODUCTIONS, INC., CINEVIDEOTECH,)
14 INC., SPECTRUM EFFECTS, INC.,)
15 OPPENHEIMERCINE RENTAL, LLC,)
16 BLUE SKY AERIALS, INC.,)
17 JORDAN KLEIN, SR., JORDAN KLEIN,)
18 JR., AND DOES 1-10,)

19 DEFENDANTS.)

CASE NO. CV 04-C8604

COPY

JOINT TUTORIAL AND
PRE-MARKMAN HEARING

20 REPORTER'S TRANSCRIPT OF PROCEEDINGS

21 RIVERSIDE, CALIFORNIA

22 MONDAY, SEPTEMBER 29, 2008

23 2:42 P.M.

24 KYUNG LEE-GREEN, CSR NO. 12655
25 FEDERAL CONTRACT COURT REPORTER
3470 12TH STREET
RIVERSIDE, CALIFORNIA 92501
(951)274-0844

1 THE COURT: THANK YOU. THANK YOU VERY MUCH.

2 WAS THERE ANYTHING FURTHER, COUNSEL?

3 MR. LAUSON: YOUR -- YOUR HONOR, PLAINTIFFS
4 ACTUALLY HAVE ABOUT A HALF A DOZEN QUESTION FOR MR. SMITH.

5 THE COURT: I'M SORRY?

6 MR. LAUSON: WE HAVE --

7 THE COURT: VERY WELL.

8 MR. LAUSON: -- WE HAVE SOME QUESTIONS FOR
9 MR. SMITH.

10 THE COURT: ALL RIGHT. JUST A -- JUST A FEW
11 MINUTES, THOUGH, COUNSEL.

12 MR. LAUSON: OKAY.

13 THE COURT: 'CAUSE I'M SURE WE'LL HAVE MORE MUCH OF
14 THIS AND THE COURT WILL -- WILL LEAVE ASIDE A LOT MORE TIME,
15 OBVIOUSLY, FOR THE MARKMAN HEARING ITSELF.

16 CROSS-EXAMINATION

17 BY MR. LAUSON:

18 Q MR. SMITH, HOW -- HOW LONG HAVE YOU BEEN WORKING FOR
19 THE DEFENDANT, MAKO PRODUCTS?

20 A I AM A CONTRACTOR -- WELL, I'M NOT CONTRACTOR. I DO
21 WORK FOR THEM ON A PURCHASE ORDER BASIS, SOMETIMES A VERBAL
22 REQUEST IN INFERENCE. BUT CERTAINLY SINCE ABOUT 2003, I
23 BELIEVE.

24 Q OKAY. AND COULD YOU PLEASE SUMMARIZE, IN JUST A LITTLE
25 MORE DETAIL, WHAT TYPE OF WORK YOU'VE DONE FOR THEM SINCE

1 2003.

2 A I DESIGNED THE ELECTRONICS --

3 MR. WARWICK: YOUR HONOR, THERE'S BEEN A DEPOSITION
4 TAKEN IN THIS CASE ALREADY OF MR. SMITH. THESE QUESTIONS
5 WERE ASKED. I DON'T -- IF I'M GOING TO BE ABLE TO ASK
6 QUESTIONS OF MR. GROBER, WE CAN GO FORWARD. BUT I DIDN'T
7 UNDERSTAND THAT THAT WAS PART OF THE PROCESS. IF WE WANT TO
8 DO THAT --

9 THE COURT: WELL, I'LL -- I'LL GIVE A LITTLE BIT OF
10 LEEWAY HERE SINCE YOU SPENT SOME TIME GOING OVER HIS -- HIS
11 BACKGROUND GOING BACK TO THE 1970'S JUST TO PUT SOME -- PUT
12 IT IN PERSPECTIVE.

13 BUT, COUNSEL, REALLY, THIS REALLY DOESN'T GO SO
14 MUCH TO EDUCATING THE COURT AS IT DOES -- IT'S A -- I'LL --
15 I'LL -- I'LL GIVE YOU A MINUTE OR SO WITH THIS, BUT THEN
16 LET'S MOVE ALONG.

17 BY MR. LAUSON:

18 Q OKAY. WELL, FOR EXAMPLE, FOR DESIGNING THE ACCUSED
19 INFRINGING MAKO PRODUCT, APPROXIMATELY HOW MUCH WERE YOU
20 PAID BY DEFENDANT, MAKO PRODUCTS?

21 A I WAS PAID FOR THE HARDWARE AS OPPOSED TO THE HOUR. I
22 BELIEVE IT WAS A SUM OF ABOUT \$18,000.

23 Q ALL RIGHT. AND -- AND YOUR ARRANGEMENT WITH -- WITH
24 MAKO, IS THERE ANY PROFIT-SHARING OR ANYTHING LIKE THAT
25 GOING FORWARD?

1 A THERE'S A ROYALTY AGREEMENT, YES.

2 Q AND WHAT ARE THE DETAILS OF THAT ROYALTY AGREEMENT?

3 A I GET FIVE PERCENT OF -- THE ROYALTY AGREEMENT ITSELF
4 SAYS THAT I GET FIVE PERCENT OF THE GROSS INCOME OF MAKO
5 HAS -- OR I'M SORRY -- MY CORPORATION GETS FIVE PERCENT. I
6 PERSONALLY DO NOT GET IT.

7 Q OKAY. AND SO YOUR CORPORATION HAS A DIRECT FINANCIAL
8 STAKE IN THE OUTCOME OF THE LITIGATION; IS IT FAIR TO SAY
9 THAT?

10 A NO. BECAUSE I DON'T KNOW WHAT THE POSSIBLE RANGE OF
11 OUTCOMES ARE AND HOW IT AFFECTS ME.

12 Q WELL, IN OTHER WORDS, IF -- IF MAKO LOSES THE CASE AND
13 MAKO GETS ENJOINED AND THEY CAN'T SELL THEIR PRODUCT
14 ANYMORE, YOU STAND TO LOSE SUBSTANTIAL AMOUNTS OF MONEY
15 GOING FORWARD; IS IT -- IS THAT -- IS THAT TRUE?

16 A IF YOU CALL A MINOR -- THE MINOR ROYALTY THAT I GET AS
17 SUBSTANTIAL, YES, PERHAPS IT'S COULD BE SUBSTANTIAL.
18 COMPARED TO THE -- THE INCOME OF, SAY, LEGAL PEOPLE, IT IS
19 RATHER INSUBSTANTIAL.

20 Q ALL RIGHT. THANK YOU.

21 THE COURT: ALL RIGHT. VERY GOOD. WELL, COUNSEL,
22 I APPRECIATE YOUR EFFORTS. I HAVE GLEANED THE -- A MUCH
23 BETTER UNDERSTANDING AT LEAST OF THE TERMS AND THE -- THE
24 PRODUCT IN QUESTION. SO I APPRECIATE YOUR EFFORTS HERE. I
25 LOOK FORWARD TO SEEING YOU ALL NEXT MONTH AT THE -- AT THE